

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DATATREASURY CORPORATION,	§
<i>Plaintiff</i>	§
	§
v.	§ NO. 2:04cv85-DF
	§
SMALL VALUE PAYMENTS	§
COMPANY,	§
<i>Defendant.</i>	§

**PLAINTIFF DATATREASURY CORPORATION'S RESPONSE AND**  
**OPPOSITION TO DEFENDANT SMALL VALUE PAYMENT COMPANY'S**  
**MOTION TO STAY**

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CASES	Page(s)
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## OTHER AUTHORITIES

<u>Check Technology Case Stays in Texas</u> , IP Law Bulletin, Oct. 13, 2005.....	2
<u>DataTreasury Suits Staying Put</u> , American Banker, Oct. 24, 2005.....	2
<u>DataTreasury Wins Another Round</u> , Electronic Payments Week, Nov. 15, 2005.....	1

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<u>JPM Settles in Check 21 Patent Battle</u> , American Banker, Jul. 7, 2005.....	1
<u>J.P. Morgan Chase Settles Patent Claims</u> , New York Times, Jul. 7, 2005.....	1
<u>JP Morgan Settles Patent Suit Over Check Imaging Process</u> , Wall Street Journal, Jul. 7, 2005.....	1
<i>Manual of Patent Examining Procedure</i> , Sec. 1901.06 (8 <sup>th</sup> ed. 2d rev.).....	15
<u>Melville Company Takes on Nation’s Largest Banks in Court Over Check 21 Rules</u> , Long Island Business News, Oct. 14, 2005.....	1
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